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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,710	04/22/2005	Takeshi Ito	KUZ-0022	5270

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11/24/2008

EXAMINER
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FOLEY, SHANON A

ART UNIT	PAPER NUMBER
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1619

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art cited previously and reasons of record.

With respect to the teachings of Tsuruda et al., applicant points to the Table on page 20 of the instant application, where it shows that the proportion of PIB is between 8-15 wt.% and that the ratio of 2:3 to 3:2 of PIB to SIB is important to the adhesive characteristics of the patch. Applicant further states that comparative examples 1-4 in the Table exemplify the ranges taught by Tsuruda et al., and were found to be poorly adhesive.

Applicant's arguments, the Table on page 20, as well as the teachings of Tsuruda et al. have been reviewed, but are found unpersuasive. On page 21, lines 3-5, Tsuruda et al. teaches that if the copolymer base contains less than 10% SIS, then the cohesive strength of the tape is diminished. On page 22, lines 5-6, Tsuruda et al. teaches that a base containing less than 1% PIB will lack adhesive strength. These principles are echoed in the instant comparative examples 1, 2 and 4 in the Table on page 20 since the majority of comparative examples exemplify the cautions of Tsuruda et al. regarding PIB and SIS ingredient proportions. Since the critical ratios of 2:3 and 3:2 of PIB:SIS are attainable from the proportions taught by Tsuruda et al., there is no unexpected results exemplified in the Table on page 20.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHANON A. FOLEY whose telephone number is (571)272-0898. The examiner can normally be reached on M-F 5:30 AM-3 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Woodward can be reached on (571) 272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shanon A. Foley/  
Primary Examiner  
Art Unit 1619